

public place as a spring, well or mineral water, it be found upon analysis to differ in composition or constituents from the composition or constituents of the water taken from the spring, well or other original source, or alleged original source, from which such water is obtained or alleged to be obtained, unless the changes therein or additions thereto be plainly indicated upon the label; provided, that in the case of waters manufactured to resemble natural mineral waters, such waters must be labeled in a conspicuous manner "artificial"; and provided further, that when such waters are sold or served as mineral waters, they must contain one or more mineral constituents in sufficient quantities to have a therapeutic effect from these constituents when a reasonable quantity of the water is consumed.

Second. If when advertised and sold as a pure drinking water, spring, well or mineral water, it shows contamination.

An. Code, 1924, sec. 192. 1912, sec. 169. 1910, ch. 156, sec. 140D (p. 149). 1916, ch. 667. 1935, ch. 173.

192. The term misbranded, as used herein, shall apply to all drugs or articles of food or articles which enter into the composition of food the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, place or country in which it is manufactured or produced; that for the purpose of Sections 189 to 200, an article shall also be deemed to be misbranded.

In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so.

Third A. If its package or label shall bear or contain any statement, design or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false or misleading in any particular. Any representation concerning the curative or therapeutic effect of any drug shall be deemed false if such representation is not supported by substantial medical opinion or demonstrable scientific facts.

Fourth. If the package fails to bear a statement on the label of the quantity or proportion of any alcohol, opium, morphine, diacetyl morphine, heroin, cocaine, holocaine, alpha or beta eucaine, novocaine, alypin, chloroform, cannabis indica, chloral hydrate, codeine, acetanilid, anti-febrin, acetphenetidin, phenacetine, antipyrin, or any derivative or preparation of any such substances contained therein; provided, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions of regularly licensed physicians, veterinarians and dentists, intended for immediate or temporary use, and kept on file by the dispensing pharmacists; and provided further, that nothing in this paragraph shall be construed to apply to such drugs or medicines as are personally dispensed by regularly licensed practicing physicians, dentists and veterinarians in the course of their practice. Physicians conducting drug